

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

KENNETH FRIEDMAN,
vs.
STATE OF NEVADA, et al.,
Plaintiff,
Defendants.

Case No. 2:10-cv-01038-KJD-PAL

ORDER AND REPORT OF FINDINGS AND RECOMMENDATION

This matter is before the court on Plaintiff Kenneth Friedman's failure to comply with this court's Order (Dkt. #16), entered September 28, 2010, directing him to make an initial filing fee payment on or before October 28, 2010. Pursuant to the Prison Litigation Reform Act, Plaintiff was responsible for an initial filing fee of \$5.32, which was due within thirty days after the court's Order was entered. A review of the docket reflects that Plaintiff has not complied with the Order or requested an extension of time in which to comply. Plaintiff was warned that “[f]ailure to comply with this Order will result in a recommendation of dismissal.” Order, 2:1-2.

Plaintiff's willful failure to comply with the court's Order is an abusive litigation practice that has interfered with the court's ability to hear this case, delayed litigation, disrupted the court's timely management of its docket, wasted judicial resources, and threatened the integrity of the court's orders and the orderly administration of justice. Sanctions less drastic than dismissal are unavailable because Plaintiff has wilfully refused to comply with the court's Order.

Accordingly,

IT IS ORDERED that the Clerk of Court file Plaintiff's Complaint.

111

111

IT IS RECOMMENDED that Plaintiff's Complaint be DISMISSED unless Plaintiff pays the initial filing fee of \$5.32 on or before **December 8, 2010**.

Dated this 24th day of November, 2010.

Peggy A. Teen
PEGGY A. TEEN
UNITED STATES MAGISTRATE JUDGE

NOTICE

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, any party may file written objections with the court. Pursuant to Local Rule of Practice (LR) IB 3-2(a), any party wishing to object to the findings and recommendations of a magistrate judge shall file and serve *specific written objections* together with points and authorities in support of those objections, within fourteen days of the date of service of the findings and recommendations. The document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court’s Order. *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991). The points and authorities filed in support of the specific written objections are subject to the page limitations found in LR 7-4.